

*This is a transcription of episode 8 of Season Two of In the Dark. Italics indicate audio. Musical notations and other production elements aren't included. Because there may be imprecisions in the transcript, the audio should be considered the official record of the episode.*

## Episode 8: The D.A.

Just a note before we get started, this episode contains a word that's offensive.

Previously on In the Dark.

*Barney Morgan: It's too long. Way too long. And Curtis Flowers is still in prison, and they still dragging it on.*

*Ray Charles Carter: All I ever wanted was for him to get a fair trial. Get a fair trial then we'll let—I can accept whatever happens. But I can't accept not being given a fair trial.*

*Max Mayes: It's him against Doug Evans. It's not him versus the system or anything. It is basically Curtis Flowers versus Doug Evans. And in the end, who's going to win?*

When I moved to Mississippi last summer, I figured it wouldn't be long before I ran into the D.A. Doug Evans. I was in his district nearly every day, talking to people about the case of Curtis Flowers. I met a lot of other people that way, just by chance driving around.

But I never saw Doug Evans just out around town.

I went to the courthouse in Winona and sat in the courtroom — the same courtroom where Curtis Flowers was tried. I sat through several days of court proceedings — in the fall and again in the spring. I saw dozens of defendants shuffle in and out of the courtroom on a variety of low-level drug offenses. I saw all the public defenders, including Odell Hallmon's old attorney, Lee Bailey, and the judge, Joey Loper. I even saw Bojack, the route witness who had joked to me back at his house that my microphone was being tapped by the Russians. Bojack had been called to serve as a juror on a grand jury. He got out of it by telling Judge Loper that he couldn't read or write.

There were no trials held in Montgomery County for the entire year that I was reporting in Mississippi. Every single case was resolved by a plea. And so, Doug Evans never needed to be there. He would send his assistant prosecutors to handle the daily churn of courthouse business.

As I kept reporting, I kept not seeing Doug Evans.

I went to Friday night high school football games. No sign of Doug Evans.

I went to a Christmas parade and watched as the mayor of Winona passed by on the back of a firetruck, wearing a Santa hat and waving, along with a caravan of other elected officials, the sheriff, the circuit clerk, even the homecoming queen wearing a glittery tiara and tossing out candy. Still no sign of Doug Evans.

In January, I went to a Martin Luther King Day march in Winona that ended in a celebration held inside the courtroom. There were speeches by local pastors and a performance by a local dance group — complete with a Michael Jackson impersonator wearing a silver glove on his right hand. Still no sign of Doug Evans.

And so Doug Evans remained a bit of a mystery to me — this man who had decided to try Curtis Flowers six times. I knew that eventually I would go to Doug Evans office and ask to see him. But before I did that I had work to do.

I wanted to try to find out as much as I could about Doug Evans, his childhood, his career, his record as a prosecutor — anything that could help me understand this man who had decided to pursue Curtis Flowers so relentlessly.

This is Season Two of In the Dark, an investigative podcast by APM Reports. I'm Madeleine Baran. This season is about the case of Curtis Flowers, a black man from a small town in Mississippi who's spent the past 21 years fighting for his life, and a white prosecutor who's spent that same time trying just as hard to execute him.

When I set out to learn more about Doug Evans, I started at the beginning, like way at the beginning.

Doug Evans was born in 1952, and he grew up in the town of Grenada, Mississippi about 25 minutes north of Winona.

We talked to one of Doug Evans' childhood friends. His name is Johnny Cox. And he grew up on the same block as Doug Evans. Johnny Cox has had a stroke, so he's a little hard to understand.

*Johnny Cox: It was a quiet neighborhood and everybody pretty much respected everybody. It was pretty much almost, almost all white at that period of time.*

Johnny Cox said the neighborhood where they grew up back then, it was quiet and everybody pretty much respected everybody. And he said that the neighborhood was almost all white. Johnny Cox is white, and Doug Evans is white. And he said that he and Doug Evans would spend their time as kids going to movies, playing in treehouses, that kind of thing.

On the black side of town growing up was much different.

I talked to a black woman in Grenada about what it was like for her growing up as a kid back then. Her name is Dianna Freelon Foster. She's just a year older than Doug Evans.

*Dianna Freelon Foster: When we went to the movies, of course, we would have to go in the balcony. those kinds of things. And then the water fountains. Of course, I knew the water fountains were different.*

And this is how it had been in Mississippi for a long time. Black people did not have the same rights as white people.

But then in the summer of 1966, when Doug Evans was turning 14 and getting ready to start high school, something remarkable happened in the town of Grenada, though it's now been mostly forgotten.

That summer, a young pastor named Martin Luther King, Junior arrived in town, along with an entire group of civil rights organizers. King was just passing through on his way to Jackson as part of a civil rights protest called the March Against Fear. Reporters from national TV news networks covered the march as it arrived in town.

*TV news coverage: The Mississippi march is getting close to Grenada. This town has had its share of Ku Klux Klan activity also. In fact, one state police official told me, that for some reason a lot of Grenada's white residents just like to cause trouble. To the negro marcher then, Grenada represents the first in a long string of towns between here and Jackson where race hatred is notorious and where law enforcement is sometimes open to question.*

Martin Luther King left Grenada after a day or so, but a number of the civil rights organizers who were with him stayed in town to help people there organize to fight for their civil rights.

Together they created a group called the Grenada Freedom Movement. The hub of that movement was a Baptist church called Belle Flower. People would pack the pews to listen to speeches and plan the movement. I have a recording of one of those speeches. It's by a prominent organizer from the Southern Christian Leadership Conference named Hosea Williams.

*VIDEO: Hosea Williams: We were not going to settle for any piecemeal freedom, we were going to bring total freedom to the black people of Grenada, Mississippi. If Negroes can get freedom in Grenada, Mississippi, they can get freedom all over the state of Mississippi. And God knows if black men can reach freedom land in Mississippi, they can reach freedom land in hell. (applause fades out)*

I went to Belle Flower Church a few months ago. These days it's falling apart. The bricks on the side of the building are actually popping out of the wall, and the roof is separating from the sides. A woman named Estella Cox Williamson invited me in.

*[sound of going inside church]*

*Estella Cox Williamson: Come on let me show you. Turn that light off for me right there on the side.*

*[walking]*

The main part of the church has been shut down because it's not safe to be there, but there's a little chapel attached to one side that still gets used by the congregation. And that's where we sat down.

*Estella Cox Williamson: This is where everything got started.*

Estella was in the movement back then. She was just 13 at the time. And she told me that that back in the summer of 1966, they organized marches almost every night.

*Estella Cox Williamson: Like if we was going to go and protest, you know, picket. We would have to the meetings here at church. And then we would get out and go and march around the square, you know.*

The marchers would walk to downtown Grenada, and they'd make a loop around the square, passing under the shadow of a statue of a Confederate soldier. Many of the marchers were teenagers or even younger. All of the marchers were black, with the occasional exception of a few white supporters mostly from out of town.

Some nights as many as five hundred white people would descend on the square and the streets surrounding it. Five hundred white people in a town with a total population, white and black, of about nine thousand. The white people would be armed with rocks, bottles, and even fireworks. And they would hurl them at the marchers.

It was like the entire town was involved in this in one way or another or watched it happen. Doug Evans was a teenager at the time, and this was what he saw going on around him. He would've seen the marchers, seen the violence. It was impossible to ignore.

The local police did almost nothing to stop the violent attacks by the white mobs. In fact, the only people they did arrest in any number were the black people of Grenada who were marching for their civil rights.

The local newspaper, the Daily Sentinel Star, published letters from white people, thanking the police for maintaining law and order.

One of those letters said, quote, "The citizens of Grenada should be proud of the law enforcement officers in regards to the way they have handled the situation."

The letter was written by a grand dragon of the Ku Klux Klan in Mississippi.

Estella Cox Williamson got arrested at these marches more than once. And the cops threw her in jail, even though she was just 13.

*Estella Cox Williamson: And they tear gassed us after we got in jail inside the cell, and it was in the summertime. And I can remember, you know, me being that age, I was, you know, scared to death.*

Estella's sister got arrested, too.

*Estella Cox Williamson: I'm going to show you a picture of it.*

*Madeleine Baran: Oh wow. She's a little kid.*

*Estella Cox Williamson: Mmm-hmm.*

The picture Estella showed me was on her cell phone. It was a mugshot from 1966 of her sister Eva after she'd been arrested for marching. The mugshot had been taken in the jail. And Eva, the girl being arrested, was just seven years old.

That summer, something else happened too. A federal judge ordered the all-white schools in Grenada to open enrollment to black students. More than a hundred black families signed their children up to attend previously all-white schools that fall.

One of the schools in the middle of the integration fight was the high school. It was called John Rundle. And that year, Doug Evans was starting high school there as a freshman.

On the first day of class, in September of 1966, hundreds of students black and white made their way to John Rundle High School and to the elementary school next door as crowds of white men gathered in the streets.

That morning, a high school teacher named Buddy Pender had the windows open in his classroom.

*Buddy Pender: And I was trying to call the roll and I couldn't call it because across the street, I heard the sound of kids screaming and grown people with axe handles hitting elementary age children with axe handles to keep them from coming to school. They were on their way to school. It was all white adults beating black children. And I actually heard the sound of the blows being delivered. It was horrible listening to that. I just, all these years later I've never been able to forget that.*

One of the black students arriving at the high school for the first time that morning was Dianna Freelon Foster. She was just 15.

*Dianna Freelon Foster: When we started at school that morning, they were waiting for us. The police was there, and they were supposed to have been protecting, but of*

*course, there was no protection. And when we got there that morning, I mean there were just folks everywhere. I mean just white folks everywhere. So, I can remember when we got out of the car, you know, you could hear the screaming and the jeering.*

Dianna rushed inside the school. But she'd only been in class for a few hours when all of a sudden, the bell rang. And everyone was told, "Class is dismissed, go home."

And Dianna and her friends gathered their things and walked out the front door.

*Dianna Freelon Foster: So, we went out. And the school is really, was a beautiful school, great architecture, and it was, had all of these high steps. And so, we looked out and we saw all of these men, and at that time, of course, it looked like hundreds to me, but they were everywhere. They were in trees. they were under trees. They were on the sidewalk. They were on the school lawn. They were everywhere, you know, and they had sticks. They had bats. They just whatever, you know, instruments, weapons, things that they could use for weapons.*

Fifteen-year-old Dianna saw this white mob and right away, she turned around to go back inside, but she ran right into the principal. He was blocking the door.

*Dianna Freelon Foster: The principal said to us, 'You all can't. You've got to go home. You can't come back in here. You have to leave the school. You have to leave the school grounds.'*

*Madeleine Baran: And so what did you do?*

*Dianna Freelon Foster: We walked out into the mob. And they beat us. Just swinging the bats and whatever weapon it was they had in their hands and coming up on us and like, basically, the one thing that I remember is them saying, constantly saying over and over again, 'Nigger, go back to your school. We built a school for you. Why you coming over here with us?'*

By the time Dianna got home from school that day, she'd been beaten up. She had blood on her face.

After that, every day in class was like a battle. White students were beating up black students. A lot of the teachers weren't doing anything about it. There was a walk-out of black students to protest. There were hearings in federal court. And the Justice Department sent FBI agents to monitor the situation. The FBI ended up arresting at least 13 white people for beating up the students. This went on for months. And after a while, a lot of the black students transferred back to their old schools.

Some white families banded together to create an all-white private school, but Doug Evans and a lot of the other white students stayed at John Rundle High School.

I found an old high school yearbook from Doug Evans' senior year. In his class photo, he's wearing a black bow tie and suit jacket. He had long brown sideburns, and his dark brown hair is swept to one side. Doug Evans didn't appear anywhere else in the yearbook. He's not listed as a member of any clubs or as being on the honor roll or playing any sports. He wasn't a class officer.

The teacher at the high school, Buddy Pender, said he remembered Doug Evans from back then. Evans was one of his students. Buddy Pender told us that Doug Evans didn't stand out one way or the other.

*Buddy Pender: He was you know just very low key. Hardly noticed at all, you know. In a million years, I wouldn't have thought that kid would have been a lawyer. He was an OK student. But I mean, you just don't ever know about your kids, what they're going to amount to, as far as their, you know, their interests as the years go by, you know, so. But no, I wouldn't have thought Doug would've been the D.A. Never would have. That just shows you don't ever, you don't ever know. Don't ever sell anybody short.*

After Doug Evans graduated from high school, he decided to become a police officer. He joined the police force in Grenada, and he got a degree in criminal justice from Delta State University. He also later worked for the sheriff's office as a deputy.

I talked to a man who served on the police force with Doug Evans back in Grenada in the 1970s. His name is Freddie Tilghman. I went to see him at his house one day. And Freddie Tilghman told me he still had a photo of him and Doug Evans from back then lying around somewhere. He went to find it.

*Madeleine Baran: So, what are we looking at?*

*Freddie Tilghman: Can you read that?*

*Madeleine Baran: Let's see. OK. Front row. Left to right. Oh. C, D. Evans right there. Would that be him? Oh, right there.*

*Freddie Tilghman: Yeah, that's Doug. Worked with him day and night, a lot of times. He treated everybody fair. But he done his job.*

I asked Freddie Tilghman what it was like to be a law enforcement officer back in the '70s.

*Freddie Tilghman: Ridiculous. In 1966 is when they had the civil rights marches here. And law enforcement, when I started, still was going through the repercussions from it. There was a lot of racial tension back then. And at that time, we had more trouble out of the blacks, as far as violating the law. When I started, there was, about all that got arrested was blacks. And they were congregated on one little specific area, where they all went for their parties and all. And the police department was always there. And if one of them got to fighting or if they were doing something bad, they'd get arrested. Half the time they had to fight them, the police department had to fight them, because they were*

*fighting. But it would come across like the police department was harassing the blacks. And like I said when I started there was, that's the way it was.*

Back then, there were very few black police officers on the force. One of those officers was a man named Clyde Simmons. And Clyde Simmons told me that when he first applied to become a cop, he was rejected. He said the only reason he ended up on the force, the only reason that there were any black cops on the Grenada police force at all in the early '70s, was because of a federal employment discrimination lawsuit filed by the NAACP. Clyde Simmons told me that eventually a federal judge basically ordered the police chief to hire him.

*Clyde Simmons: It had took so long. I really didn't want it. But after the judge told me that I had to accept it. So I felt good about it.*

But when Clyde Simmons became a cop, he found out that he didn't have the same authority as the white officers.

*Clyde Simmons: They told us, you know, we couldn't arrest whites.*

*Madeleine Baran: You couldn't arrest white people?*

*Clyde Simmons: That's right. Mm-hmm.*

*Madeleine Baran: Did they say why?*

*Clyde Simmons: No.*

*Madeleine Baran: So how does that actually work? So like you'd pull someone over and what would happen?*

*Clyde Simmons: Well we would—. If you'd pull someone over, you would have to just hold them there and then you would have to you know radio in for a white officer, you know, then he would come and make the decision.*

*Madeleine Baran: So how did you feel about that?*

*Clyde Simmons: Well at the time, when I first started, I was hoping it would change, which it did. At that time, all I was thinking about was keeping my job.*

Clyde Simmons didn't remember much about working with Doug Evans.

I've read old news coverage from back when Doug Evans was in law enforcement. And I found a few mentions of Doug Evans as a cop, nothing memorable. There's a photo of him in a jail cell peering into a hole where someone escaped, and there's a bunch of articles that mention him taking part in routine arrests and stakeouts, things like that.

But Freddie Tilghman told me that over time, Doug Evans moved up the ranks.

*Freddie Tilghman: Now, Doug was an investigator after I was police chief. And all I can say is, he done a good job.*

*Madeleine Baran: So what makes a good investigator?*

*Freddie Tilghman: Being very intelligent, to start with. And then being like a bulldog, that lay with it. You gotta hound dog somebody, be with them, stay with it.*



Freddie Tilghman told me that when he and the other cops found that Doug Evans was going to leave this small town and go to law school, that struck everyone as out of the ordinary.

*Freddie Tilghman: Well, I didn't particularly like lawyers. I think they're one of the main things wrong with our country. But I knew Doug would do a good job. And I was proud of him for doing it out. Because everybody that can ought to better themselves.*

We talked to another man who worked on the police force with Doug Evans. His name is Michael Vaughn, and he said that what stood out to him about Doug Evans was the man's ambition.

*Michael Vaughn: Doug Evans. He wanted to succeed. And you could see that. He decided he was gonna go back to school and he did. More power to him. I liked him. But Doug was about himself, and he wanted to succeed. And he has.*

Doug Evans went off to attend to law school at the University of Mississippi about an hour or so north of Grenada. He became a lawyer and got a job in the D.A.'s office working as an assistant prosecutor. And then he was elected as a judge in a local court called the justice court that handles a lot of lower-level matters. He held that position for a few years.

And then in 1991, Doug Evans ran for District Attorney.

It was a tough race. Evans was challenging the incumbent — a man who'd been in office for 12 years.

But Doug Evans knew how to campaign. He got the endorsement of the Grenada County Bar Association. The group released a statement calling Evans, quote, "a fine Christian man with unquestioned integrity."

Doug Evans also took out ads in the local paper. One of the ads said, quote, "The people of this district, want a District Attorney who is not afraid to present all the cases investigated by our law enforcement officers to the grand juries."

In another ad, Evans promised the voters, quote, "I will be fair but firm to everyone."

Back then, the district Doug Evans was running in was about 60 percent white and 40 percent black. It still is. And Evans' campaign seemed mainly directed at those white voters.

One of the places Doug Evans spoke during his campaign was at a rally called Blackhawk. Blackhawk is this big southern fair where a lot of politicians come to speak. Our reporter Parker talked with the person who invited Doug Evans to speak at Blackhawk back then in 1991. His name is Bill Lord.

*Bill Lord: Well, most of the people that come to the Blackhawk rally are working class people. They go to church there in the community. They raise their families there, and they have traditional values. They believe in the things that made America great. And they're the backbone of the country. So I think they want to get down and hear what the people have to say.*

But the Blackhawk rally isn't just a rally. It's also a fundraiser. It raises money to pay for buses to send kids to private schools — schools that were created during integration by white families who didn't want their kids going to school with black kids.

*Parker: So would you say the Blackhawk rally is a segregationist rally?*

*Bill Lord: No, definitely not. Shoot, no. We've had many blacks that attend that, plus many that speak. Black candidates speak, yes. As a matter of fact, we've had some blacks from the penitentiary to come entertain us and sing. They had quartets and all from prison, and then they've been there and sang at the rallies. I've got pictures in the paper there of that.*

*Parker Yesko: And what did the crowd think of that?*

*Bill Lord: They liked them. Enjoyed them. They enjoyed them. It was good people that come to that. They enjoyed a good time.*

Bill Lord said the crowd liked Doug Evans and his message.

*Bill Lord: Well, he says, 'I'm going to be tough on crime. I'm going to try to keep your home safe and your family safe, and I'm going to put these people away, and those that can't be rehabilitated, we're going to leave them in there.' (laughs)*

Doug Evans also spoke before a local branch of a group called the Council of Conservative Citizens. The group's statement of principles says they quote, "oppose all efforts to mix the races of mankind."

Doug Evans won the election. He became the district attorney, and he's held that position ever since.

Every four years, he runs for office, and every four years, he wins. Almost always, Doug Evans is the only option on the ballot. In the 26 years that Doug Evans has been the district attorney, he's only been challenged once. It happened back in 2003 when a local attorney ran against him. Evans won that election easily.

I talked to a lot of attorneys who've gone up against Doug Evans, not just in the Curtis Flowers case. And they all describe Doug Evans as formidable.

These attorneys told me that where Doug Evans excels is in the courtroom.

I talked to a public defender in Attala County named Richard Carter about what Doug Evans is like at trial.

*Richard Carter: He has great appeal with the jury. He's almost preacher-like, like the jury hangs on his words. And he's very — poetic might not be the right word, but he's got a style about him where it's very comfortable and relatable to the people in this district.*

Public defender Lee Bailey told me he's gone up against Doug Evans a lot over the years.

*Lee Bailey: Don't try a case against him because he's like a bulldog. If you get the judge to sustain an objection, he's going to come right back and try to go again. He's a bulldog. He goes after them. I mean he's nice, well mannered, but when he wants somebody, he tries to get them. If he believes that he's right, he's going to go after them.*

I spent a lot of time over the past year in the state archives in Jackson, Mississippi reading old newspaper stories about the cases that Doug Evans had prosecuted. The papers mostly just covered the big ones — high-profile murder cases that went to trial.

And a clear picture emerged of Doug Evans from reading these articles — of a prosecutor who is tough and who excels at convincing juries to vote for guilt. Doug Evans had prosecuted cases against gang members who'd shot each other in feuds. He'd gone after a woman who appeared to have hired a hitman to kill her husband.

In a glowing profile of Doug Evans headlined, "D.A. accustomed to 14 hour days," Evans is quoted as saying, "It is my belief that guilty persons be sentenced to as much time as allowed by law. When we've done that, we've done all we can do." Evans also said, "I don't think anyone should be let out early."

I also found out that the case of Curtis Flowers wasn't the first time that Doug Evans had sought the death penalty. He has actually tried to get it at least twenty-six times.

He convinced juries to sentence all kinds of people to death — an 18-year-old who robbed a store and killed the store's owner, a man who robbed a convenience store and killed someone in the store and then drove off and killed another person at a gas station.

In one murder trial, in 1993, Doug Evans quoted from the Old Testament to convince jurors to vote for death. According to the local paper, Evans quoted from the Book of Genesis, "Whoso sheddeth man's blood, by man shall his blood be shed."

And while I was reading all this news coverage of these high profile cases, there was one detail that stood out to me — and that was that in these articles, sometimes, there'd be just one line that would say something like — the jury of eleven whites and one black convicted so-and-so. Or — the all-white jury returned a verdict of guilty.

And reading about these trials and the race of the jurors on these trials, it made me think of the Curtis Flowers case where the juries were also all-white or mostly white in every trial, where Doug Evans had used his peremptory strikes to exclude black people from the jury more than once.

I started to wonder, how often was Doug Evans doing this? How often was Evans striking black people off his juries?

It took so long to find the answer to that question.

How we did it, after the break.

### *BREAK*

I wanted to know how often D.A. Doug Evans and his office were striking black people off juries — not just in the Curtis Flowers trials, but in every single trial his office has handled for the entire time he's spent in office.

But this was going to take a really long time to figure out because no one tracks this information. We would have to find it ourselves.

Clearly, we needed a plan. So, I got on the phone with our data reporter Will Craft, and he came up with one.

*Will Craft: My proposal is that we go courthouse by courthouse. We get the case file, we see what information is available. Then we digitize all the information. We build a database. We see what demographic information we can get. We create entries for every juror. That seems both easily manageable and terrifying at the same time.*

*Madeleine Baran: Okay, so this sounds like something we should get started on like two years ago.*

*Will Craft: Um, yes.*

*Madeleine Baran: Or today.*

*Will Craft: Or today.*

And so, we started. Actually, our reporter Parker Yesko started. In September, Parker moved to Mississippi and started trying to track down the records at eight courthouses of all the criminal trials that went before a jury in the Fifth Circuit Court district since 1992, when Doug Evans took office as District Attorney.

*Parker Yesko: So, we're looking at a 25-year period and we wanted everything. We wanted to know every trial prosecuted by his office since he was district attorney.*

Step One. Parker had to compile a list of every criminal trial that had occurred in the Fifth Circuit Court District since 1992, because that kind of list doesn't exist. You can't just run a search on a computer and find out the names of all the trials, or even how many trials there were.

*Parker Yesko: None of these courthouses have lists of stuff that's gone to trial.*

You have to make the list yourself. So, Parker enlisted the help of the local clerks in each one of the courthouses.

There was the clerk in Carroll County.

*Parker Yesko: Sugar. Stanley, I think is his first name, Stanley Mullins. But he goes by Sugar.*

There was Brenda, the deputy clerk in Vaiden.

*Parker Yesko: Brenda King who'd worked there for like 30 years.*

Brenda knew all the trials that had taken place there practically by heart.

*Parker Yesko: She could just fly through this book and be like, 'Yep, that one.'*

The clerks would bring Parker into a room and show her their docket books. And these docket books, they're big leather bound books with handwritten entries for every criminal case, every charge that made its way to the courts.

*Parker Yesko: It's a huge ledger. Humongous. I mean maybe 24 inches tall, and like six inches thick maybe.*

Parker had to scan through all the entries on every page of every docket book, looking for any clue that a case had gone to trial.

*Parker Yesko: So you're just like looking through this like muddled like mess of black script.*

After Parker had gone through all the docket books, she had made her list of trials. There were 418 of them. Four hundred and eighteen trials over 25 years in Doug Evans' district.

Step two. Parker went looking for the jury lists that would tell her the race of the people who had been called for jury duty in each one of those 418 trials, and she went looking for the transcripts of the jury selection which would tell her why the potential jurors had been struck.

And some of those records, it turned out were kept in some really strange places.

In one courthouse, the files were stored in the old men's bathroom. The clerks told Parker not to go in there without a mask.

*Parker Yesko: It smells like raw sewage like is just bubbling.*

In Winston County, the records were in an old jail cell.

*Madeleine Baran: Another old jail.*

*Parker Yesko: So I got let into a jail. She like made a point of being like, this courthouse has never burned down. So we have a lot of stuff, we have extra stuff here.*

Step Three. Parker had to take all of these records — all these old papers from bathrooms and jails and storage vaults — and turn them into something useable. She needed to make copies of these records. But here's where she ran into a problem. Because the court clerks could make the copies for us, but if we did it that way, we'd be charged at least 25 cents a page. And Parker needed to copy at least a hundred thousand pages, which would mean that at minimum, this was going to cost \$25,000.

*Parker Yesko: I was literally like I do not have access to that kind of cash.*

And so Parker had an idea. She decided to buy a scanner, and she brought it into the Montgomery County courthouse in Winona. And the clerks were like, "Wow! You bought a scanner?"

*Parker Yesko: They were like, how resourceful, you got a scanner. Like they were like totally game.*

And so, the clerks agreed to let Parker move in with her scanner. And start scanning away.

Parker would go from courthouse to courthouse. She would set up her temporary office, pull the records she wanted, and start scanning, removing staples as she went. Remove staple, scan, remove staple, scan, remove staple, scan.

*Parker Yesko: Loading the scanner, ripping staples out, and then with any extra time sorting through the docket.*

Parker kept going. Weeks and weeks passed. Our producer Rehman came down to Mississippi to help. So did Will. Summer turned into fall. And Parker was still at it — scanning, scanning, scanning. Until one day.

*Parker Yesko: We have now scanned all trial files at all eight courthouses. It's done.*

*Madeleine Baran: How does that feel?*

*Parker Yesko: It's amazing. I never want to scan another document in my life.*

By the end of all this, Parker had scanned more than 115,000 pages of court records.

Parker put these files on a hard drive and gave it to our data reporter Will Craft. And a few months later, Will got back to us.

*Will Craft: And so, for basically the last three months, I've just been going through court documents, with the help of an amazing number of people from the team, reading through these court records.*

What Will was looking for was every single peremptory strike that the D.A.'s office had made of potential jurors and the race of every person struck or seated on the jury. But in a lot of the court documents, there was no record of anyone's race. Out of the 418 trials on our list, we only found race information for 225 of them. So that's the number we were working from — 225 trials.

*Will Craft: And then we went into a computer, and we typed the name of the juror, their race, and then who they were struck by. Whether or not they were struck by the state or the defense. Or whether or not they were chosen for jury duty.*

Will put all of this into a database that he built, and then he analyzed all this data. He ran his methodology by statisticians.

And then, after all of that, after three months of data entry and analysis and many months of Parker gathering all the raw materials, Will was finally ready to tell me what he'd found out about what Doug Evans' and his office had been doing in jury selection in all those trials.

*Will Craft: So just the top-level finding is, from 1992 through 2017, over these 225 trials, covering a large number of crimes, there exists a very large disparity between the way that prosecutors exercise strikes against black and white jurors.*

What Will had found, looking across all of these trials spanning 25 years, was a pattern. A pattern of the D.A.'s office under Doug Evans' tenure striking black jurors at a much higher rate than white jurors.

*Will Craft: The prosecution struck black jurors at a rate almost four-and-a-half times the rate at which they struck white jurors.*

Four and half times the rate. Doug Evans' D.A.'s office, in the trials we looked at, was striking black jurors at four and a half times the rate they struck white jurors.

Put another way.

*Will Craft: They struck 50 percent of all the black jurors that came in front of them, and they only struck 11 percent of all the white jurors.*

*Madeleine Baran: Wow.*

Will had found that Doug Evans' D.A.'s office had struck half of all black jurors in the trials he was able to look at, and only 11 percent of all the white jurors.

We don't know how Doug Evans' district compares to other parts of Mississippi or how it compares to other parts of the country because no one tracks this. There have been a handful of studies, but they're limited to certain places or certain kinds of crimes.

For example, a study in North Carolina looked at all felony trials in 2011, and it found that prosecutors were striking black people off the jury at about twice the rate of white people. A study in Louisiana looked at jury selection in one parish and they found black people were being struck off juries at more than three times the rate of white people. A study in Philadelphia County, Pennsylvania looked at capital murder trials over 17 years and found that black people were struck off the jury at twice the rate of white people.

What all of the studies on this have in common is that they all found that prosecutors are striking black people from juries at disproportionate rates compared to white people. Just how big the gap was varied from place to place, but it was always there.

This kind of research is so rare that when Will started telling the researchers who'd done these other studies what he was up to, they got pretty excited. And they asked Will to publish the raw data, which we're doing on our website.

*Will Craft: Professor Rose literally said, 'Welcome to the family.'*

*Madeleine Baran: Really?*

*Will Craft: She told me she told me that I've joined the family of researchers that have found racial discrimination in jury selection.*

*Madeleine Baran: Well that's true, I guess. Right?*

*Will Craft: Yeah.*

Will spent a lot of time analyzing this data, and he looked at it in all kinds of ways.

*Madeleine Baran: So, one of the things I was wondering about was are there certain types of crimes where you don't see this kind of difference in striking black jurors versus striking white jurors, like are there a certain kind of scenario where you don't see this?*

*Will Craft: I had that same question, and I wasn't able to find one.*

*Madeleine Baran: Wow. At all?*

*Will Craft: At all.*

*Madeleine Baran: That is surprising.*

*Will Craft: In all the different ways I filtered the data, I could not find a scenario where they were struck at the same rate or the state struck more white jurors. I looked at capital murder, violent crime, drug offenses, and then burglary, and crimes against properties. Every single one of those types of crimes, striking black jurors at a higher rate.*



Will examined everything he could think of to see whether there was something else that could explain our findings — something else that could explain why the D.A.'s office was striking black people off juries at a higher rate than white people, some reason other than because they were black.

Like, maybe the D.A.'s office was striking potential jurors because of the specific answers they were giving in jury selection. So Will looked into that. He looked at the questions jurors were asked.

*Will Craft: Do you have family members that are related to police? Have you been the victim of a crime. For death penalty cases, did the juror express some kind of reservation about, you know, imposing the death penalty?*

And then Will looked at the answers potential jurors gave and controlled for those answers.

*Will Craft: At the end of it, none of them made the importance of race go away. Black jurors are still more likely to be struck than white jurors even when taking into account all of this other information.*

No matter how Will ran the model, the conclusion was the same. Doug Evans' office was striking black people from juries at a much higher rate than white people.

Doug Evans' office was engaging in a pattern a 25-year pattern of preventing black people from serving on juries in this district. A 25-year pattern of trial after trial where the jury box was mostly white. Black people entering the courtroom, on trial for all kinds of things — burglary, arson, sexual assault, murder — and staring over at the jury box and realizing that this trial, their fate in this small southern town was going to be decided mostly by white people.

And it wasn't just that. What this data also meant was that across Doug Evans' district, black people were being disproportionately denied the opportunity to serve on juries. Black people were being denied the opportunity be a part of this powerful process of determining someone's guilt. And this isn't just about whether or not the race of a juror makes a difference in how that juror sees a specific case, which way they vote, guilty or not.

It's more fundamental than that. To disproportionately exclude one group of people from serving on juries is like excluding one group of people from voting. It's denying people access to power in a democracy.

And yet, after a year's worth of reporting, after collecting more than a hundred thousand pages of court records and looking at all of this data, we'd found out that that was exactly what was happening here in Doug Evans' district, under his direction.

By this point in our reporting, we'd looked at all of the main pieces of evidence in the case against Curtis Flowers. We'd looked at all the trials of Curtis Flowers and all of these other trials, too. We'd found that the case against Curtis Flowers was built on shaky evidence, like questionable testimony from people who claimed to have seen Curtis walking around town that morning, and forensic evidence that didn't hold up to scrutiny. And we'd talked to some people who told us what they'd testified to in court wasn't true, including, most importantly, Doug Evans' star witness, Odell "Cookie" Hallmon, who told us he'd lied on the stand when he told the jurors that Curtis had confessed to the murders at Tardy Furniture.

It was time to talk to Doug Evans.

I gave him a call at his office, but I couldn't reach him. I stopped by his office, but he wasn't there. So, I left a letter asking him to call me, but he didn't respond.

And so, one day in April, about two months ago, I decided stop by his office again with our reporter Parker. Doug Evans' office is just off the square in downtown Grenada, just a block or so from where in the summer of 1966, people marched to demand civil rights. Doug Evans' office is in a bland beige brick building in a row of bland brick buildings. There's a flat brown sign to the right of the door that says, "Doug Evans, District Attorney."

*(Door opens)*

*Madeleine Baran: Hello?*

We walked in and stood in the lobby. The lobby was small and cramped. No one was there. There was a big box of manila folders of various criminal cases just lying open on the ground a few feet from the door.

The ceiling was low with fluorescent lights, and the carpet was dirty. It looked like it had originally been a brownish-yellow color, but it was so old it was hard to tell. Parts of the carpet had been ripped up and were coming off in sections and were being held down with black duct tape.

The room was crammed full of furniture, filing cabinets, a copier, a fax machine. There was a long narrow hallway that led to the offices in the back. There was no good place to sit in the lobby, so we just stood there and waited.

After a few minutes, an employee came out from a back office to check the fax machine.

*Man: Hey, how are y'all?*

*Madeleine Baran: Good. How are you?*

*Parker: How are you?*

*Man: All right.*

*Madeleine Baran: We were stopping by to see if Mr. Evans was in.*

*Man: He's in there. He's back there meeting with a victim right now, or meeting with somebody.*

*Madeleine Baran: OK. We can wait.*

*Man: OK. Let me get y'all's—.*

*Madeleine Baran: Did, maybe we —. Are you the person we talked to earlier?*

*Man: Yeah. Did you call about Curtis Flowers?*

*Madeleine Baran: Yes.*

*Man: Oh, yeah, yeah, I was the one.*

*Madeleine Baran: Yeah, yeah, yeah. Thanks for passing along—.*

*Man: We're just running short handed today. We normally got people up here and everywhere, so.*

*Madeleine Baran: Yeah, yeah, yeah. We're not in a rush, so no worries.*

*Man: OK. Well, I'll tell him, if y'all want to wait, as soon as they get out of there, I'll let him know y'all are here.*

*Madeleine Baran: Great. Thank you.*

*Man: Yeah, no problem.*

So we waited. The walls were so thin that we could hear Doug Evans in a back room somewhere down the hallway, and we could hear the hum of his assistant prosecutors and investigators answering the phone, talking about cases.

And then, after about an hour or so of waiting, a man walked up the hallway. He had white hair that was parted on one side, and he was wearing khaki pants and a blue buttoned-down shirt that had the district attorney's insignia on it. He stopped when he got to the entrance to the lobby, and leaned one arm against the wall. It was Doug Evans.

*Madeleine Baran: Hi Mr. Evans.*

*Doug Evans: Can I help you?*

*Madeleine Baran: Hi, I'm Madeleine. This is Parker.*

*Parker Yesko: Nice to meet you.*

*Madeleine Baran: We're with public radio. Nice to meet you. We're stopping by because we've been reporting on the case of Curtis Flowers, and we wanted to talk to you about the case.*

*Doug Evans: I can't talk to anybody about the case. It's still pending.*

*Madeleine Baran: Oh, so you can't talk because it's pending.*

*Doug Evans: When it's finally over then I can, but as long as it's pending I can't go into any of the facts about the case.*

*Madeleine Baran: It's been pending for so long.*

*Doug Evans: Yep.*

Doug Evans stayed in the entrance to the lobby. He didn't invite us back to his office, but he didn't walk away, either.

*Madeleine Baran: So I've been reporting on the case for about a year, and what about—I've talked to a lot of people. I've talked to a lot of the witnesses who've testified at trial, and what I would really like to do is just to sit down and go through what I found out and get your response to it and talk to you about it. Could we do that?*

*Doug Evans: Not until it's finally over. Then I'll be glad to.*

*Madeleine Baran: There's some stuff I think you might want to know though.*

*Doug Evans: Well, I'll be glad look at anything, but I'm not going to do it on anything that's made public. If there's something that you know about that you think I need to know, I would appreciate you getting it to me, but news — doesn't matter what form of news — is not the way to try cases.*

*Madeleine Baran: What's the right way?*

*Doug Evans: In a courtroom.*

*Madeleine Baran: Have you had to talk a lot about the case over the years?*

*Doug Evans: Uh-uh.*

*Madeleine Baran: Really?*

*Doug Evans: No.*

*Madeleine Baran: Like local reporters or anybody coming to talk to you?*

*Doug Evans: Very little.*

*Madeleine Baran: What do you make of that?*

*Doug Evans: That's the way it is in this district. The news doesn't—. They usually report on who gets convicted and things like that, but the news around here normally doesn't try to mess up cases by putting a lot of stuff in the news like they do in some parts of the country.*

*Madeleine Baran: So, but would it mess up a case to talk about it?*

*Doug Evans: Sure it would.*

I told Doug Evans that I thought it was remarkable that he'd decided to try the case six times, but Doug Evans said it really wasn't that big of a deal.

*Doug Evans: The number of times it's tried doesn't really make that much difference.*

At the time I went to talk with Doug Evans, Evans had just received some validation from the Mississippi Supreme Court. The Court had denied Curtis Flowers' direct appeal from his latest trial — that's the sixth one. And although that still left Curtis with other ways to appeal his conviction and death sentence, it did put Curtis closer to execution than he'd ever been before.

*Madeleine Baran: So do you think this is going to ever be over?*

*Doug Evans: Sure.*

*Madeleine Baran: How?*

*Doug Evans: Well, it may be pretty close now.*

*Madeleine Baran: It's closer to being over now than it ever has been. That's for sure.*

*Doug Evans: Yes.*

*Madeleine Baran: Yeah. What will it be like when it's over if it's ever over?*

*Doug Evans: Well, like on any case, you just want to get them finalized.*

*Madeleine Baran: Finalized. So are you confident that you have the right person, that Curtis Flowers is guilty?*

*Doug Evans: That I will answer. Definitely. No question at all.*

*Madeleine Baran: And how come?*

*Doug Evans: I'm not going to go through all the facts, but if you follow the trials, anybody that can look at the facts can tell that's, that's about all I can say on that.*

*Madeleine Baran: So I've read all the trial transcripts and looked at everything, and we've talked to a lot of jurors who've said, 'Look, there's a reason we only deliberated for a little over an hour,' or whatever the case may be. But when you look at the individual pieces of evidence and really like pull them apart, it doesn't take very long for a lot of that to fall away. Like you look at some of the jailhouse snitches—.*

*Doug Evans: It will fall away if somebody tries to get it to. But if you look at the evidence, and what was there, it is very strong.*

I told Doug Evans that in the course of my reporting, I'd found problems with the evidence in his case against Curtis Flowers.

*Madeleine Baran: When I looked at the case, it does strike me that the evidence is very weak against him.*

*Doug Evans: I don't know where you get that. You hadn't looked at the evidence if you think that.*

*Madeleine Baran: I mean, there are witnesses who, people who've given—.*

*Doug Evans: There's nothing weak about this case. Any juror that I have heard, except the ones that were lying to get on the jury, I haven't seen one yet that tried to say in any way that the evidence was not strong.*

Lied to get on the jury. Doug Evans had just casually accused people of lying to get on the jury. He was accusing these unnamed jurors of a crime. And he did it in such an offhand way — as though it wasn't a big deal for the D.A. to level accusations of perjury in a death penalty case.

And Doug Evans wasn't done accusing unnamed people of crimes.

I tried to ask Doug Evans about Frederick Veal, the jailhouse informant. The one who'd told us and said in an affidavit that he'd worked with Evans and the sheriff to make up a story about Curtis Flowers confessing to him so that he could get a reward, and then he reversed himself after the first trial.

*Madeleine Baran: But like how do you reconcile then, like the jailhouse snitches, like Frederick Veal for example, who reverses himself. Like, when that happens—.*

*Doug Evans: Well, I could explain that to you, but I can't while it's on the record. Because there were a lot of illegal things that were done to get him to change his statement.*

*Madeleine Baran: Done by whom?*

*Doug Evans: I'm not going to go into that.*

*Madeleine Baran: Illegal things?*

*Doug Evans: Yes.*

*Madeleine Baran: So presumably by Curtis' defense lawyers?*

*Doug Evans: Yes.*

*Madeleine Baran: That's a pretty serious charge.*

*Doug Evans: It would be.*

*Madeleine Baran: So you're —. But you're not going to say what the evidence is for that?*

*Doug Evans: Mm-mm. Or who it is.*

*Madeleine Baran: But I mean, you're the district attorney so if you're not going to comment on Curtis' case at all but you are going to accuse Curtis'—.*

*Doug Evans: I'm not accusing anybody. I told you just that there were some illegal things that were done. That's all I said. I'm not accusing anybody of anything.*

Doug Evans is the district attorney. And he was accusing people of crimes, and he was doing it without providing any evidence. Because Doug Evans is the D.A., if he was aware of a crime taking place in his district, he would most likely have the ability to prosecute it.

I told Doug Evans that I'd talked to a lot of people who'd been interviewed by law enforcement in the case, but Doug Evans didn't want to hear what they'd told me.

*Doug Evans: Well, they can say whatever they want. I don't know of anybody that we've put on the stand that we didn't have taped statements from. So they can say whatever they want to. And you may twist 'em or get them to say something that you want them to, but we go by the facts. A lot of folks that have been trying to either make money off of this case or try to stir people up over this case have put a lot of false statements out. And that's one reason that I would never talk about the facts of the case to anybody until it's over. If they want the facts, they can read the transcripts.*

I decided to ask Doug Evans a really simple question.

*Madeleine Baran: Do you think that all of your witnesses have told the truth?*

*Doug Evans: I'm not going to go into all of that.*

*Madeleine Baran: That's a pretty basic question though, right?*

*Doug Evans: It's a lot of basic questions, but they start getting into facts.*

While we were talking, an employee of the D.A.'s office had come out of a back office and was now standing behind Doug Evans, holding a form that he needed him to sign. It felt like we might have another minute or two at the most.

So I decided to use that time to tell Doug Evans that his star witness Odell Hallmon had recanted, because I wanted to know what he'd make of that and whether he'd have any questions for me about it because Odell Hallmon's testimony is so important in the case against Curtis Flowers.

*Madeleine Baran: One person who's reversed themselves, who's told us that he lied under oath is Odell Hallmon.*

*Doug Evans: Which version? He lied for the defense in the first one.*

*Madeleine Baran: He has told us that Curtis Flowers never confessed to him.*

*Doug Evans: Well, I could tell you some things off the record, but I won't on here. He told us the truth.*

*Madeleine Baran: But does it concern you that he would say that now?*

*Doug Evans: No. That's why the judge instructs the jury that a jailhouse informant is not very reliable, because they can change their statements very easily, for any reason.*

*Madeleine Baran: But you can't use them unless—you considered him reliable enough to use.*

*Doug Evans: The statement that he gave in court I made sure was the truth before we used it.*

*Madeleine Baran: So—. But you weren't there when he, for this exchange that he says took place between him and Curtis, right?*

*Doug Evans: All I can tell you is that I made sure that it was true.*

*Madeleine Baran: But how?*

*Doug Evans: Cut that off and I'll tell you off the record.*

*Madeleine Baran: No. I mean I think, it's a public case, right? You're the elected district attorney.*

*Doug Evans: I'm not going to tell you the facts. All I can tell you is that I made sure it was the truth, and I know it was true.*

At this point, the man behind Doug Evans cut in.

*Man: Doug, I hate to interrupt you, but I've got to go, and I need you to sign this before I leave.*

*Doug Evans: I'm sorry.*

Doug Evans turned away from us. He'd talked to me for just eleven minutes, and now he was walking away. I still had so many questions for him. I wanted to show him our findings on jury selection. I wanted to ask him about the gun he claimed was the murder weapon. I wanted to ask him about those route witnesses — the people who testified that they'd seen Curtis walking around town that morning.

*Madeleine Baran: I know you're busy but I really would like to talk with you some more because I want to understand your thinking on the case, and I want you to understand your thinking on the case and I also want you to understand this, we're going to be—.*

*Doug Evans: I'll be glad to talk to you off the record about some of the things, but nothing that is going to come on the record.*

And Doug Evans kept walking back down the hallway to his office.

*Madeleine Baran: Can we come back like Wednesday morning and just talk?*

*Doug Evans: I doubt it.*

*Madeleine Baran: How come? Even if we're not talking about this case.*

*Doug Evans: Give me a call and we might can as long as it's like that.*

*Madeleine Baran: OK. Great. OK.*

*Doug Evans: All right.*

*Madeleine Baran: All right. Thank you.*

*[door sound]*

I called Doug Evans that Wednesday and stopped by his office, and I've called him many times since then, but he hasn't responded. I wrote him a detailed letter with a long list of questions. Doug Evans didn't respond with any answers. I did get a brief letter from him about a month ago in response to a public records request we'd made for information on the criminal record of Odell Hallmon. In the letter, Doug Evans said that because Mississippi law does not require him to release that information, he would not be releasing it.

Doug Evans was done answering questions. Doug Evans didn't explain why he'd pursued the case against Curtis Flowers despite the evidence being weak. Doug Evans didn't explain why he'd tried Curtis six times. And he didn't explain why his office had struck black people from the juries in one trial after another for 25 years.

Doug Evans didn't have to explain himself. And so, he didn't.

And there's one more thing that Doug Evans didn't explain, and that was — why the investigation settled so quickly on Curtis Flowers in the first place.

Why Curtis? Who was telling them to look at Curtis? That's next time, on *In the Dark*.

*In the Dark* is reported and produced by me, Madeleine Baran. Senior producer Samara Freemark, producer Natalie Jablonski, associate producer Rehman Tungekar, and reporters Parker Yesko and Will Craft.

*In the Dark* is edited by Catherine Winter. Web editors are Dave Mann and Andy Kruse. The Editor in Chief of APM Reports is Chris Worthington. Original music by Gary Meister and Johnny Vince Evans. This episode was mixed by Corey Schreppel.

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We have a lot more about our analysis of jury selection on our web site, [inthedarkpodcast.org](http://inthedarkpodcast.org). We have an explanation of how we did it and we've got a visualization of every juror we gathered race data on in our database, all 6,763 of them. We've got some great videos up there too. Again, that's [inthedarkpodcast.org](http://inthedarkpodcast.org).

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